

Ser.no. 09/982,856
Amdt dated March 16, 2005
In Reply to Office Action dated September 22, 2004

REMARKS/ARGUMENTS

Under separate cover, Applicant has filed a Petition for an extension of Time under 37 CFR 1.136(a) for one month in order to file a Request for Continued Examination and this responsive submission.

The Examiner has rejected Claim 8 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Applicant has amended Claim 8 to more distinctly claim that the holder provides a common vertical center wall, with the at least one container unit and other container units being securable to either side thereof. Applicant respectfully believes that this overcomes the Examiner's rejection. Retraction of the Examiner's rejection of claim 8 is respectfully requested.

Claim 1 has been rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 9 of US Patent No. 5,887,715. Applicant respectfully disagrees with Examiner's assessment. As amended, Claim 1 includes the subject matter of bin retention means for retaining the bins in the closed position. Retraction of Examiner's rejection of Claim 1 is respectfully requested.

Claims 1, 4, 6, and 15 to 16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,815,795 to Accumanno et al. ("Accumanno") in view of US Patent No. 4,892,367 to Jantzen ("Jantzen").

As amended, Claim 1 is now directed at a holder which an organizer having a holder and at least one container unit, said at least one container unit comprising a housing having opposing side walls, and a plurality of bins mounted between said side walls for rotation between closed and open positions, such that in said closed position, outer faces of said bins are generally coplanar and retained via bin retention means, and in said open position, said outer faces each angle outwardly from said housing, thereby providing access into said bins, said bins being connected together for movement in unison, said outer faces occupying substantially all of a front portion of said housing. Support for this amendment may be found at page 6 lines 9 to 18 which disclose the subject matter of bin retention means which keep the bins in their closed position.

The bin retention means hold the bins in the closed position while the holder when it is being moved from a first location to a second location. The bin retention means also reduces the need to find and use other materials such as rope or tape to help secure the bins in the closed position. So that when the holder is not in a vertical position and the bins are in the closed position, the contents of the bins do not fall out.

As shown in Accumanno, when the container units are being transported to a second location by the holder (cart), the container units are secured to the holder. However, if the holder was to fall (such that the holder was no longer in a vertical position), the contents (tapes) in the container units would fall out and therefore must be cleaned up and placed back into the container units. Furthermore, with respect to Jantzen, the bins are not secured to the holder. If

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the holder of Jantzen is placed in a non-vertical position, such as in a position angled to the ground, the bins would automatically open and the contents of the bins come falling out.

Applicant respectfully believes that neither Accumanno nor Jantzen, when read separately or together teach, disclose, suggest or obviate the subject matter of amended Claim 1. As claims 4, 6 and 15 to 16 are dependent on claim 1 (which Applicant respectfully believes is patentable), Examiner's rejection of Claims 4, 6 and 15 to 16 is now considered moot. Retraction of Examiner's rejection of Claims 1, 4, 6 and 15 to 16 is respectfully requested.

Claim 8 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Accumanno in view of US Patent No. 6,062,416 to Smillie ("Smillie"). Applicant respectfully believes that Smillie does not disclose the subject matter of bin retention means which keep the bins in a closed position. Since Claim 8 is dependent on Claim 1, which Applicant respectfully believes is patentable, Applicant respectfully believes that Claim 8 is patentable. Retraction of Examiner's rejection of Claim 8 is respectfully requested.

Claim 14 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Accumanno in view of US Patent No. 5,758,769 to Vasudeva ("Vasudeva"). Applicant respectfully believes that Vasudeva does not disclose the subject matter of bin retention means which keep the bins in a closed position. Since Claim 14 is dependent on Claim 1, which Applicant respectfully believes is patentable, Applicant respectfully believes that Claim 14 is patentable. Retraction of Examiner's rejection of Claim 14 is respectfully requested.

Claims 1 and 4 to 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 3,485,543 to Selden ("Selden") in view of Accumanno and Jantzen. As disclosed above, Claim 1 has been amended to include the subject matter of bin retention means for maintaining the bins in the closed position. As discussed above, Applicant respectfully believes that neither Accumanno nor Jantzen disclose this subject matter. Moreover, Applicant respectfully believes that Selden does not teach, suggest, disclose or obviate the subject matter of bin retention means which keep the bins in the closed position. Therefore, when these references are read separately or together, Applicant respectfully believes that the subject matter of the bin retention means is patentable. Since Claims 4 to 7 are dependent on Claim 1, which Applicant respectfully believes is patentable, Applicant respectfully believes that Claims 4 to 7 are also patentable. Retraction of Examiner's rejection of Claims 1 and 4 to 7 is respectfully requested.

New claims 17 and 18 are directed at embodiments of the bin retention means. Support for these claims may be found at page 6 lines 9 to 18.

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We look forward to further communication on this application.

By:


Jeffrey W. Wong
Registration No. 46,414
Attorney for Applicant

Borden Ladner Gervais LLP
100 Queen Street
Ottawa, Ontario
Canada K1P 1J9
Telephone: (519) 741-9100
Fax: (519) 741-9149
e-mail: jwong@blgcanada.com

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